



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable Bert Ford, Administrator
Texas Liquor Control Board
Austin, Texas

Opinion No. 0-7071

Re: Under the provisions of the Texas Liquor Control Act, may the holder of a Package Store Permit make application for and receive a Local Cartage Permit if he were also the owner of a warehouse or transfer business?

Dear Sir:

We have received your recent request for an opinion on the question hereinabove stated.

Subsection (8) of Article 666-15, Penal Code of Texas (Sec. 15(8) of Art. 1 of the Texas Liquor Control Act), provides, in substance, that a package store permit shall authorize the holder thereof to purchase liquor from certain other types of permit holders in this State; to sell on or from licensed premises at retail to consumer for off-premises consumption only; to sell malt and vinous liquors in original containers of not less than six (6) ounces; to sell vinous liquors, but in quantities of not more than five (5) gallons in original containers in any single transaction. It is further provided in Subsection (e) of said Subsection (8) of Article 666-15, Penal Code, that "any person holding more than one package store permit may designate one of the licensed premises as the place for storage of liquor, and he shall be privileged to transfer liquor from such storage to his other licensed premises under such rules as shall be

prescribed by the Board." It is further provided therein for an annual fee for such permit, based on population, where situated, etc.

Subsection (13) of Article 666-15, Penal Code of Texas (Sec. 15(13) of Art. 1 of the Texas Liquor Control Act), entitled Local Cartage Permit, provides as follows:

"The Board is hereby authorized to issue Local Cartage Permits to warehouse or transfer companies desiring to transport liquor for hire within the corporate limits of any city or town within this State. It shall be unlawful for any person to transport liquor for hire within any city or town unless and until he shall have secured such permit or to transport the same in violation of the motor carrier laws of this State. In the case of local cartage, liquors shall not be transported by the holder of such Local Cartage Permit unless and until a description of each vehicle used in such transportation shall be furnished as may be required by the Board; and each such vehicle shall be plainly marked or lettered in such manner as to plainly indicate that such vehicle is being used for the transportation of liquors by the holder of a Local Cartage Permit. The transportation of liquor by the holder of a Local Cartage Permit in any vehicle not so described and marked shall be unlawful and shall constitute grounds for the cancellation of such permit. It shall be unlawful for the holder of a Local Cartage Permit to transport liquor for hire between incorporated cities or towns in this State unless and until he shall have fully complied with the requirements of the motor carrier laws of this State.

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governing the issuance of 'carrier' permits.

"The annual fee for Local Cartage Permits shall be Five Dollars (\$5)."

It will be noted that the statute only authorizes said Local Cartage Permits to be issued to warehouse or transfer companies. Under the "Expressio Unius" Rule, we believe said statute (Subsection (13), Article 666-15, supra) prohibits the issuance of a Local Cartage Permit to any other than bona fide warehouse or transfer companies.

We have been unable to find any statute which inhibits the Texas Liquor Control Board from issuing a local cartage permit to a holder of a package store permit, provided the holder of such package store permit is actually and bona fide engaged in the warehouse or transfer business.

Yours very truly,

ATTORNEY GENERAL OF TEXAS

By
Robert L. Lattimore, Jr.
Assistant

RL:gb;djm:ddt

Approved Feb. 21, 1946
s: Carlos C. Ashley
First Assistant
Attorney General